

AUTHORIZING THE SALE OF CERTAIN LAND IN ALASKA
TO VICTOR POWER, OF JUNEAU, ALASKA

JANUARY 30, 1956.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 6703]

The Committee on Interior and Insular Affairs, to whom was referred the bill (HR-6703) to authorize the sale of certain land in Alaska to Victor Power, of Juneau, Alaska, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 1, stroke all of lines 3 to 9 inclusive and insert in lieu thereof the following:

That Victor Power, of Juneau, Alaska, shall have the right to purchase under the Act of June 1, 1938, as amended (43 U. S. C., sec. 682a), lot 7, United States survey numbered 3269, Alaska, within one year after the approval of this Act.

Page 1, line 10 and page 2, line 1, strike the word "reasonable" and insert in lieu thereof the words "fair market".

Page 2, line 5, change the colon to a period and strike the remainder of the bill.

EXPLANATION OF THE BILL

H. R. 6703, as amended, introduced by Delegate Bartlett, of Alaska, authorizes the sale of approximately 1.14 acres of land, to Victor Power, of Juneau, Alaska.

This tract is in the status of a public-service site. The tract, which fronts on Gastineau Channel, was established to provide public access to and from upland homesites. Since then the main highway has been built and transportation to the homesites is now entirely by automobile. Consequently, the Department of the Interior is prepared to dispose of this tract, which is irregular in size and which in any case provided a hazardous route of entry to the upland because of the rugged and precipitous nature of the terrain. Mr. Powers already owns a homesite of just over 4 acres immediately adjacent to the tract in question and is anxious to round out his holdings by obtaining this additional acreage. It is believed that lot 7 because of size and

because it drops so sharply to the beach would not be suitable for a homesite by itself.

The committee has amended the bill to permit Mr. Power to purchase the land under the act of June 1, 1938, as amended (43 U. S. C., sec. 682a), and also to provide that the purchase price of the tract shall be the fair market value. The committee further amended the bill by striking the proviso in section 2 which reserved mineral deposits to the United States.

The report of the Department of the Interior dated July 29, 1955, is set forth below in full.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 29, 1955.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 6703, a bill to authorize the sale of certain land in Alaska to Victor Power, of Juneau, Alaska.

If H. R. 6703 were enacted, the Secretary of the Interior would be directed to convey to Victor Power, of Juneau, Alaska, upon his application within 1 year, lot 7, United States survey No. 3269, Alaska, for use in connection with his homesite. The bill describes the lot as containing approximately 0.73 acre; actually it contains 1.14 acres. The purchase price for the land would be the reasonable value thereof without improvement. The reasonable value would be determined by the Secretary of the Interior and could not be less than \$1.25 per acre. Minerals would be reserved to the United States, and the conveyance would include no land covered by a valid existing right.

This small lot, which is located near Juneau and lies on the Gastineau Channel, lies between the homesites of Carl Hagenup and Victor Power, which are of, respectively, 4.93 acres and 4.60 acres, and both of which were patented in 1950. When the land covered by survey 3269 was subdivided for small tracts, lot 7 was reserved as a public-service site to afford public access to the channel between the tracts. Since roads are being built which, we understand, will provide the required access, it is no longer necessary for the United States to retain lot 7. Consequently, the Department is prepared to dispose of the lot which is small and not particularly valuable for homesite purposes. However, if the Department should do so, it would be required to provide veterans of World War II and the Korean conflict with a preferred right of application for a 90-day period. Therefore, we cannot assure Mr. Power that he will be able to obtain title to the lot in question.

Whether or not Mr. Power should be afforded the special privileges contemplated by H. R. 6703 is a matter for the Congress to determine. Without legislation of this type, Mr. Power would have no preference right to obtain title to the tract in question. We have no information indicating the reasons why Mr. Power should receive preference nor have we any information about his special need for the tract in question.

Since we have no need for lot 7, we would not object to the enactment of this bill, if the Congress should believe it justified. However, if it is determined to enact it, we believe that it should be revised to afford Mr. Power a preference right under the Small Tract Act (43 U. S. C., sec. 682a). If this were done, the provisions of that act would govern such matters as price and the reservation of minerals. We suggest, therefore, that all after "Alaska," at page 1, line 3, be deleted, and the following be inserted in its place: "shall have the right to purchase under the Act of June 1, 1938, as amended (43 U. S. C., sec. 682a), lot 7, United States survey numbered 3269, Alaska, within one year after the approval of this Act."

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

Enactment of H. R. 6703, as amended, is recommended by the Committee on Interior and Insular Affairs.